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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,284	04/13/2004	Sujoy D. Guha	WIN-12	4569
62912	7590	09/28/2007	EXAMINER	
MANUEL F. DE LA CERRA			PHILIPPE, GIMS S	
6885 CATAMARAN DRIVE			ART UNIT	
CARLSBAD, CA 92011			PAPER NUMBER	
			2621	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/823,284

Applicant(s)

GUHA ET AL.

Examiner

Gims S. Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This is a first office action in response to application no. 10/823,284 filed on April 13, 2004 in which claims 10-17 are presented for examination.

#### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 10-17 are rejected on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-11 of U.S. Patent no. 6,750,466 to Guha et al.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of claims 1-11 of the present application are

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included in the claims 1-11 of the cited Patent.

Therefore, it is considered obvious that one skilled in the art at the time of the invention having US Patent no. 6,750,466 before him/her would have had no difficulty to modify the conditions and the claim language set in claims 1-11 of the cited US Patent in order to derive the limitations of claims 10-17 of the present application for the same purpose of providing a robust web inspection system that is easily integrated with an existing manufacturing Ethernet, and is capable of detecting a high rate of web flaws and defects.

**NOTE:** The applicant is urged to review the claims of all co-pending applications in order to avoid the delay that a terminal disclaimer approval may cause.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bilhorn et al. (US Patent no. 5,696,591).

Regarding claims 10 and 16, Bilhorn discloses a web inspection system for detecting a plurality of web flaws of a web (See Bilhorn's Abstract), the web inspection system comprising a plurality of smart cameras for generating a digital pixel representation of a portion of the web (See Bilhorn fig. 1, cameras 12), each smart camera for detecting the plurality of web flaws from the digital pixel representation and for generating output data comprising a digitized image of each flaw of the plurality of web flaws and for generating flaw location data for each flaw of the plurality of web flaws (See Bilhorn fig. 1, items 10, 12 and 14, and col. 2, lines 59-67, col. 3, lines 1-27); a host computer for controlling the web inspection system and for receiving and displaying the flaw image data and the flaw location data (See Bilhorn fig. 1, host computer 16, and col. 4, lines 5-21); and an ethernet for connecting the plurality of smart cameras to the host computer, wherein the flaw image data and the flaw location data is transmitted over the ethernet from the plurality of smart cameras directly to the host computer (See Bilhorn fig. 1, item 18 and col. 4, lines 22-43).

As per claim 15, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, Bilhorn further discloses a web inspection wherein each smart camera of the plurality of smart cameras detects the plurality of web flaws for the digital pixel representation at a contrast approaching a signal noise level (See Bilhorn col. 2, lines 42-49).

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gunther et al. (US Patent no. 6112658) teaches integrated and computer controlled printing press, inspection rewinder and die cutter system.

Dalmia et al. (US Patent no. 6259109) teaches web inspection system for analysis of moving webs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gims S Philippe  
Primary Examiner  
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GPS

September 23, 2007